
Chapter 21.62 – Public Hearings

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21.62.010 – Purpose

This chapter provides procedures for public hearings required by this Implementation Plan. When a public hearing is required, advance notice of the hearing shall be given and the hearing shall be conducted in compliance with this chapter.

21.62.025 – Notice of Public Hearing for Appealable Coastal Development

This Section provides notice requirements for project applications requiring a public hearing for coastal development projects that are appealable to the Coastal Commission in compliance with Public Resources Code Section 30603.

A. **Content of Notice.** Notice of a public hearing shall include all of the following applicable information.

1. **Hearing Information.**

- a. The date, time, and place of the hearing and the name of the review authority;
- b. A brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard);
- c. The phone number, street address, and website of the City, where an interested person could call or visit to obtain additional information;
- d. A statement that an interested person or authorized agent may appear and be heard at the public hearing and the procedures for appeal; and
- e. A statement that if a person challenges the subject project in court, that person may be limited to raising only those issues that the person, or someone else speaking on their behalf, raised at the public hearing (described in the notice) or in written correspondence delivered to the City at, or before, the public hearing.

2. **Project Information.**

- a. The name of the applicant;
- b. The City's file number(s) assigned to the application;
- c. A general explanation of the matter to be considered;
- d. A general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and
- e. If a negative declaration or Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the local CEQA guidelines, the hearing notice shall include a statement that the review authority will also consider approval or recommend approval of the negative declaration or certification of the Environmental Impact Report.

3. **Coastal Zone information.** The notice shall also include a statement, if applicable, that the project is located within the City's Coastal Zone.

B. **Method of Notice Distribution.** Notice of a public hearing required by this Implementation Plan shall be given as specified below.

1. **Publication.**

- a. **Notice.** Notice for all matters, except for a Local Coastal Program amendment, shall be published at least once in a newspaper of general circulation in the City at least ten (10) calendar days before the scheduled hearing.
- b. **Local Coastal Program amendment notice.** Notice for a Local Coastal Program amendment shall be published at least once in a newspaper of general circulation in the City at least 10 working days before the scheduled hearing.

2. **Mailing.** Notice shall be mailed or delivered at least ten (10) days before the scheduled hearing to all of the following:

- a. **Project Site Owners and Applicant.** The owners of the property being considered in the application, or the owners' agent, and the applicant or the applicant's agent;
- b. **Local Agencies.** Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
- c. **Nearby Property Owners.** All owners of property located within a three hundred (300) foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot, as shown on the last equalized assessment roll or, alternatively, from other records that

contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of all owners required by this section;

- d. **Nearby residents.** For projects located within the Coastal Zone, notice shall also be mailed or delivered to each dwelling unit located within a 100-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot. It shall be the responsibility of the applicant to obtain and provide to the Department the addresses of all dwelling units required by this Section;
 - e. **Persons Requesting Notice.** A person who has filed a written request for notice with the Director and has paid the required fee for the notice; and
 - f. **Coastal Commission.** The Coastal Commission.
3. **Posting of a Sign and Notice.** Notice shall be posted on or close to the subject property in a prominent location at least ten (10) days before the scheduled public hearing in the following manner:
- a. One or more signs shall be posted as determined by the Director.
 - b. The size and location of the sign(s) shall be as determined by the Director.
 - c. The project applicant shall be responsible for maintaining the sign(s) in a satisfactory condition.
 - d. The project applicant shall remove all sign(s) at the end of the appeal period.
4. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with subsection (B)(2)(c) of this section is more than one thousand (1,000), the Director may choose to provide the alternative notice specified by State law.
5. **Failure to Receive Notice.** The failure of any person or entity to receive notice given in compliance with this section shall not invalidate the actions of the applicable review authority.

21.64.035 – Notice of Public Hearing for Non-Appealable Coastal Development

This Section provides notice requirements for Coastal Development Permits that are not appealable to the Coastal Commission in compliance with Public Resources Code Section 30603 and that are not categorically excluded in compliance with Subsection 21.50.050 (Project exempt from Coastal Permit requirements).

- A. **Public notice required.** Code of Regulations, Title 14, Section 13568(b), requires that public notice shall be given for all development located within the Coastal Zone (except that which is categorically excluded). The public notice shall be given regardless of whether this Zoning Code requires a public hearing before the development can be approved, conditionally approved, or denied. Public notice requirements for projects

requiring a public hearing are provided in Subsection 21.64.020.A. (Content of notice), above.

- B. **Distribution of notice.** At least 10 days before the City's scheduled hearing on the application, the City shall provide notice to:
1. All persons who have requested to be on the mailing list for the particular project or for decisions by the City within the Coastal Zone;
 2. All property owners and residents located within a 100-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot, as shown on the last equalized assessment roll or, alternatively, from other records that contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the Department the names and addresses of owners and residents required by this Section; and
 3. The Coastal Commission.
- C. **Content of notice.** The notice shall contain the information required for public notices in compliance with Subsection 21.64.020.A. (Contents of notice), above, and the following:
1. The date the application will be acted upon by the City's review authority;
 2. The City's general procedure concerning the submission of public comments either in writing or orally before the decision is rendered; and
 3. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held before the decision is rendered.

21.62.045 – Hearing Procedure

- A. **Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued Hearing.** A hearing may be continued without further notice, provided the official or chair of the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. **Deferral of Final Decision.** The review authority may announce a tentative decision and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

21.62.055 – Decision

- A. **Decision.**
1. The review authority may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting in compliance with Section 21.62.045 (Hearing Procedure).

2. The Director or Zoning Administrator, as applicable, may instead refer the matter to the Commission for a decision.

B. Effective Date of Decision.

1. The decision of the applicable review authority is final and effective at the end of the appeal period.
2. The decision of the Council shall be final on any matter except for a Local Coastal Program amendment or an appealable coastal development project specified in 21.62.025 (Notice of Public Hearing for Appealable Coastal Development), above.